

CLEAN COPY OF PENDING CLAIMS

a<sup>1</sup> 6. (Amended) The expression cassette of claim 12 wherein the promoter comprises base pairs 7-2064 of SEQ ID NO:3.

a<sup>2</sup> 9. (Amended) The method of claim 13 further comprising the step of collecting the seed produced by said progeny.

10. (Amended) A transformed plant comprising at least one plant cell that contains the DNA construct of claim 14.

11. (Amended) Seed or grain that contains the DNA construct of claim 14.

12. An isolated DNA molecule comprising at least 200 consecutive base pairs of base pairs 7-2064 of SEQ ID NO:3, said DNA molecule having the ability to function as a promoter in plant cells.

a<sup>3</sup> 13. An isolated DNA molecule of claim 12 comprising base pairs 7-2064 of SEQ ID NO:3.

14. A DNA construct comprising a heterologous nucleic acid sequence and, as promoter, the DNA sequence of claim 12 operably linked to said heterologous nucleic acid sequence.

15. A method for producing a transgenic plant comprising:

a) introducing into a plant cell a DNA construct that comprises a heterologous nucleic acid sequence and, as promoter, a DNA sequence of claim 12 that is operably linked to said heterologous nucleic acid; and

b) regenerating a plant from said cell.

16. A method of claim 15 further comprising

c) sexually transmitting said heterologous nucleic acid sequence and said operably linked promoter to progeny.